SUPREME COURT, U. S.

No. 73-759

Supreme Court, U. S.
FILED
NOV 20 1974
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1973

HON. EDWIN EDWARDS, GOVERNOR OF LOUISIANA, ET AL.,

Appellants,

v.

MARSHA B. HEALY, ET AL.,

Appellees.

On Appeal From the United States District Court For the Eastern District of Louisiana

Supplemental Brief of Appellants Suggesting That The Cause Is Moot

WILLIAM J. GUSTE, JR.,
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IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1974

NO. 73-759

HON. EDWIN EDWARDS, GOVERNOR
OF LOUISIANA, et al.,

Appellants,

V.

MARSHA B. HEALY, et al.,

Appellees

ON APPEAL FROM THE UNITED STATES
DISTRICT COURT FOR THE
EASTERN DISTRICT OF LOUISIANA

SECOND SUPPLEMENTAL BRIEF OF APPELLANTS
SUGGESTING THAT THE CAUSE IS MOOT

The appellants in the above-entitled case file this second supplemental brief pursuant to Rule 41(5) to advise the Court of newly enacted legislation and of the disposition of the Draft Rule of the Supreme Court of Louisiana for exemption of jurors:

1) On October 27, 1974 the Louisiana Legislature met in special session and repealed Article 402 of the Louisiana Code of Criminal Procedure, which appears as Act 20 of the 1974 Extra Session. See Exhibit 1.

2) In the special session mentioned above the Legislature re-enacted Article 403 of the Louisiana Code of Criminal

Procedure to provide that exemptions from jury service shall be as provided by rules of the Louisiana Supreme Court pursuant to Section 33(B) of Article V. of the Louisiana Constitution of 1974, which appears as Act 21 of the 1974 Extra Session. See Exhibit 2.

3) The Draft Rule for exemption of jurors prepared by the Permanent Rules Revision Committee of the Supreme Court of Louisiana was made final on Thursday, October 24, 1974. See Exhibit 3.

Respectfully submitted,*

WILLIAM J. GUSTE, JR.
Attorney General
Department of Justice
State of Louisiana

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*In oral argument on October 16, 1974 the Court indicated a desire to be kept posted on any changes or in the disposition of the Draft Rule of the Supreme Court of Louisiana for the exemption of Jurors.

UNITED STATES OF AMERICA

State of Louisiana

UNION JUSTICE AND CONFIDENCE

WADE O. MARTIN, JR.

I, the undersigned Secretary of State, of the State of Louisiana do hereby certify that the annexed and following pages contain a true and correct copy of Act No. 20 of the 1974 Extra Session of the Louisiana Legislature as shown by comparison with the original on file in the archives of this office.

STATE OF LOUISIANA ★ UNION JUSTICE CONFIDENCE ★ SECRETARY OF STATE

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on, November 7, 1974.

Wade O. Martin, Jr.

Secretary of State

Act 20

4

Extraordinary Session, 1974

SENATE BILL No. 6

BY MESSRS. W. D. BROWN, KIEFER, MOUTON, RAYBURN, BLAIR, EAGAN, LAURICELLA, O'KEEFE, TIEMANN, HICKEY, DE BLIEUX AND WINDHORST AND REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO, BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON, JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

ORIGINATED

IN THE

SENATE

SECRETARY OF THE SENATE

[illegible], O'KEEFE, TIEMANN, HICKEY, DE BLIEUX AND WINDHORST AND

REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO,

BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON,

JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

ORIGINATED

IN THE

SENATE

SECRETARY OF THE SENATE

Rec'd by the Governor
November 5, 1974 at 1:00 P.M.
D. Davenport

Received by Secretary of State
this 6th day of November 1974
[illegible]

FORM S-110

Act 20

5

Extraordinary Session, 1974

SENATE BILL NO. 6

BY MESSRS. W. D. BROWN, KIEFER, MOUTON, RAYBURN, BLAIR, EAGAN, LAURICELLA, O'KEEFE, TIEMANN, HICKEY, DE BLIEUX AND WINDHORST AND REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO, BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON, JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

AN ACT

To repeal Article 402 of the Louisiana Code of Criminal Procedure, relative to the prohibition that no woman shall be selected for jury service in a criminal case unless she has previously filed, with the clerk of court of the parish in which she resides, a written declaration of her desire to be subject to jury service, and to fix the effective date of this Act.

Be it enacted by the Legislature of Louisiana:

Section 1. Article 402 of the Louisiana Code of Criminal Procedure is hereby repealed.

Section 2. This Act shall become effective on January 1, 1975.

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: November 5, 1974

UNITED STATES OF AMERICA

State of Louisiana

WADE O. MARTIN, JR.

I, the undersigned Secretary of State, of the State of Louisiana do hereby certify that the annexed and following pages contain a true and correct copy of Act No. 21 of the 1974 Extra Session of the Louisiana Legislature as shown by comparison with the original on file in the archives of this office.

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on, November 7, 1974.

Wade O. Martin Jr.

Secretary of State

Act 21

7

Extraordinary Session, 1974

SENATE BILL NO. 7

BY MESSRS. W. D. BROWN, KIEFER, MOUTON, RAYBURN, BLAIR, EAGAN, LAURICELLA, O'KEEFE, TIEMANN, WINDHORST, HICKEY AND DE BLIEUX AND REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO, BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON, JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

ORIGINATED

IN THE

SENATE

SECRETARY OF THE SENATE

BY MESSRS. W. D. BROWN, KIEFER, MOUTON, RAYBURN, BLAIR, EAGAN, LAURICELLA, O'KEEFE, TIEMANN, WINDHORST, HICKEY AND DE BLIEUX AND REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO, BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON, JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

ORIGINATED

IN THE

SENATE

SECRETARY OF THE SENATE

Rec'd by the Governor
November 5, 1974 at 1:00 PM
D. Davenport

Received by Secretary of State
this 6th day of November 1974
Secretary of State

FORM S-118

Act 21

8

Extraordinary Session, 1974

SENATE BILL NO. 7

BY MESSRS. W. D. BROWN, KIEFER, MOUTON, RAYBURN, BLAIR, EAGAN, LAURICELLA, O'KEEFE, TIEMANN, WINDHORST, HICKEY AND DE BLIEUX AND REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO, BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON, JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

AN ACT

To amend and reenact Article 403 of the Louisiana Code of Criminal Procedure, relative to exemptions from jury service, to delete all present exemptions and to provide that exemptions from jury service shall be as provided by rules of the Louisiana Supreme Court, all in order to conform Article 403 to Section 33(B) of Article V of the Louisiana Constitution of 1974, and to fix the effective date of this Act.

Be it enacted by the Legislature of Louisiana:

Section 1. Article 403 of the Louisiana Code of Criminal Procedure is hereby amended and reenacted to read as follows:

Art. 403. Exemption from jury service

Exemptions from jury service shall be as provided by rules of the Louisiana Supreme Court pursuant to Section 33(B) of Article V of the Louisiana Constitution of 1974.

Section 2. This Act shall become effective on January 1, 1975.

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

Extraordinary Session, 1974

SENATE BILL NO. 7

BY MESSRS. W. D. BROWN, KIEFER, MOUTON, RAYBURN, BLAIR, EAGAN, LAURICELLA, O'KEEFE, TIEMANN, WINDHORST, HICKEY AND DE BLIEUX AND REPRESENTATIVES FREEMAN, TAUZIN, WALL, HENRY, ACKAL, ALARIO, BREAUX, CHABERT, COOPER, D'GEROLAMO, FOWLER, R. GUIDRY, A. JACKSON, JOHN, LEACH, LEBRETON, LEITHMAN, LONG, REILLY AND WOMACK

AN ACT

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Be it enacted by the Legislature of Louisiana:

Section 1. Article 403 of the Louisiana Code of Criminal Procedure is hereby amended and reenacted to read as follows:

Art. 403. Exemption from jury service

Exemptions from jury service shall be as provided by rules of the Louisiana Supreme Court pursuant to Section 33(B) of Article V of the Louisiana Constitution of 1974.

Section 2. This Act shall become effective on January 1, 1975.

LIEUTENANT GOVERNOR AND PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: November 5, 1974

ORDER

Pursuant to the authority vested in this court by Article V, Section 33(B) of the Louisiana Constitution of 1974, the following rule for exemption of jurors is hereby adopted as part of the Revised Rules of this court, designated as PART F, GENERAL RULES OF PROCEDURE, Rule XXV, Exemption of Jurors, and is effective January 1, 1975, superseding LSA-R.S. 13:3042, as amended, R.S. 13:3056, as amended, and Articles 402 and 403 of the Louisiana Code of Criminal Procedure, as amended:

Section 1. It is the policy of this court that all litigants in Louisiana courts entitled to trial by jury shall have the right to grand, petit and civil juries selected at random from a fair cross-section of the parish wherein the district court convenes, that all qualified citizens shall have the opportunity to be considered for jury service in the district courts of Louisiana and shall have an obligation to serve as jurors when summoned for that purpose, and that no citizen shall be excluded from jury service in the district courts of Louisiana on account of race, color, religion, sex, national origin or economic status.

Section 2. This court finds that the exemption of the following groups or occupational classes is in the public interest and, accordingly, members of such classes are exempt from jury service:

(a) Public officers in the executive, legislative, or judicial branches of the Government of the United States, or the State, or any subdivision thereof, who are actively engaged in the performance of official duties;

(b) Members in active service in the Armed Forces of the United States and members of the National Guard of this State while on active service;

(c) Members of paid fire or police departments of the State or any subdivision thereof and federal law enforcement officers;

(d) Members of the following groups when regularly and actively engaged in the practice of their professions: attorneys at law, ministers of religion, chiropractors, physicians, dentists, pharmacists and optometrists;

(e) All persons over seventy years of age;

(f) Persons who have served as grand or petit jurors in criminal cases or as trial jurors in civil cases during a period of two years immediately preceding their selection for jury service.

Section 3. Any person may waive his exemption from jury service, but the exemption is personal to him and is not a ground for challenge.

Given our hands and seal this 24th day of October, 1974, A.D., in New Orleans, Louisiana.

Joe W. Sanders, Chief Justice

Frank W. Summers, Associate Justice

Mack E. Barham, Associate Justice

Albert Tate, Jr., Associate Justice

John A. Dixon, Jr., Associate Justice

Pascal F. Calogero, Jr., Associate Justice

Walter F. Marcus, Jr., Associate Justice

A TRUE COPY:

Clerk's Office, New Orleans, October 24, 1974.

Phil Price
Dy. Clerk, Supreme Court of Louisiana